

Application Serial No. 10/748,837
Amendment Dated November 16, 2010
Reply to Office Action Dated August 16, 2010

REMARKS

Claims 1-2, 4-16, 18-25, 27-34 and 36-38 are pending.

Claims 1-2, 4-16, 18-25, 27-34 and 36-38 stand rejected.

Claims 1, 23 and 24 have been amended.

Claims 9-16, 18-22, 31-34 and 36-38 have been cancelled.

Claims 1-8, 23-25, 27-30 are hereby presented for reconsideration.

Applicants begin by noting that independent claims 9 and 31, and the dependent claims that depended therefrom, have been cancelled. Although Applicants disagree with the Examiner's response to arguments in pages 13-17 of the Office Action, in order to expedite prosecution, Applicants have cancelled these claims to focus on independent claims 1, 23 and 24.

In paragraphs 3-6 of the Office Action, the Examiner has rejected claims 1, 23 and 24 under 35 U.S.C. § 112 for being indefinite and for containing new matter because of the terms "first distribution process/logic" and "second distribution process/logic."

Claims 1, 23 and 24 have been amended to consistently use the term "process" for accuracy. Although a call distribution "logic" does exist it is part of the larger "process" for call distribution. Regarding the new matter rejection, paragraphs [0040] and [0041] set forth a first call distribution process and paragraph [0073] sets forth a second "other" call distribution

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process. As such, the specification does recite such elements, and requests that the new matter rejection be withdrawn.

Turning to the prior art, the Examiner now rejects independent claims 1, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Borst (U.S. Patent No. 6,366,668) in view of the previously cited Shtivelman (U.S. Patent Publication No. 2002/0054670) and in view of the newly cited Hess (U.S. Patent No. 5,835,696). Applicants respectfully disagree with the Examiner's contentions and submit the following remarks in response.

Independent claim 1 is directed to a call routing system for use in a directory assistance system having *a primary call routing device at a first call center* configured to receive directory assistance calls from callers and to determine using a first call distribution process, for each of the calls, whether the calls will be handled by the first call center or by a second call center in the directory assistance system among a plurality of call centers.

A secondary router at the first call center in the directory assistance system is configured to initially route the calls within the first call center to the primary call routing device, and if the primary call routing device is off-line, the secondary call router employs a second default call distribution process to route the calls among the first call center and the plurality of call centers in the directory assistance systems.

As noted in the prior Amendment, in such an arrangement, after a call is received at the first call center, the primary call router (such as ICM central controllers 34) makes call distribution decisions using a first call distribution process to distribute the calls between the first

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call center and the other second call centers. This first call distribution process between call centers may for example be an intelligent call routing process that helps to favorably distribute calls for frequent callers (see paragraphs [0040] - [0042]) or to achieve some other desirable distribution. In the event that the primary call routing device is offline the secondary call routing device (such as POP router 30) uses a second default call routing logic to distribute the calls. This second default call routing logic may be a basic even distribution load balancing distribution as described for example in paragraph [0070].

Turning to the Examiner's comments beginning on page 3 of the Office Action, the Examiner argues that Borst teaches all of the elements of the present claims except, using a second distribution logic process (taught by Hess) and a method for determining if the first or second call center would handle the call (taught by Shtivelman). See Office Action at pg. 6.

Applicants respectfully disagree.

Applicants begin by noting that the Examiner's characterization of the first routing device as element 110 from Borst and the second routing device as element 11 from Borst is in error. These are not routing devices within the meaning of the present claims. Rather they are more akin to "call centers." See for example, col. 1, lines 5-10 of Borst which calls ACD's call centers.

The Examiner correctly notes that Borst reference is related to call routing within a call distribution system. However, the Borst system deals with a pre-route vs. post route distribution as noted in col. 1, lines 13-37. In pre-route systems, the routing is achieved prior to reaching the

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call center (see column 1, lines 17-22), whereas in post-route systems, the routing/distribution is done after reaching the first call center (see col. 1, lines 25-33). Both of these systems have drawbacks.

This is in direct contrast to the present claims, where according to the first element of claim 1 for example, the primary call routing device is at the first call center, not before it. Likewise, in the present claims, the secondary/backup call router is also at the first call centers as well.

This is not the same as the Borst system, where, as calls come into the system, call allocator 103 distributes the call between primary call center (ACD system 111) and non-central backup call centers (ACD systems 110 and 112 in Figure 1.

This arrangement does not describe a system that is off line nor does it suggest a secondary router. The primary call router in the Borst system is the call allocator 103. To the extent that ACDs 111 (primary call center) and ACDs 110/112 (secondary call centers 112) are described they appear to simply provide notification of available status (to more beneficially handle call) versus unavailable (cannot more beneficially handle a call).

For at least this reason, Applicants request that the rejection of independent claims 1, 23 and 24 be withdrawn. Also, as claims 2, 4-8 and 25 and 27-30 depend therefrom respectively, these claims should be allowed for at least the same reasons.

Applicants separately note that Borst does not teach all of the elements of the present claims. To form part of the rejection, the Examiner argues on page 6 of the Office Action that

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the newly cited Hess teaches a known technique to detect when a primary call routing is off line then a secondary router employs a second default call distribution process/logic. This does not appear to be correct.

The cited Hess reference does not relate at all to a call distribution process. Rather, Hess relates to a hardware configuration of a data router. In Hess rather than using a whole backup router to monitor the health of a primary router device, a single router monitors its own health and maintains a reserve port, so that the functions of a dis-functioning router port can be automatically transferred to a function port. There is no mention at all in Hess regarding two different distribution process of any kind relating to communications or even data. Rather Hess relates solely to the use of a physical back up port which presumably handles data distribution (processes) exactly the same as it was being handled on the primary dis-functioning router port.

As such, Applicants respectfully submit that the cited prior art, either alone or in combination with one another, does not teach or suggest all of the elements of independent claims 1, 23 and 24. For example, even if the teachings of Borst, Hess and Shtivelman were combined, the resulting structure would still have a primary call routing device at a first call center using a first call distribution process and a secondary router at the first call center in the directory assistance system configured to initially route the calls within the first call center to the primary call routing device, and where if the primary call routing device is off-line, the secondary call router employs a second default call distribution process to route the calls among the first call center and said plurality of call centers in the directory assistance systems.

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For at least this additional reason, Applicants request that the rejection of independent claims 1, 23 and 24 be withdrawn. Also, as claims 2, 4-8 and 25 and 27-30 depend therefrom respectively, these claims should be allowed for at least the same reasons.

In view of the foregoing Applicants respectfully submit that pending claims 1-2, 4-8, 23-25 and 27-30 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application, they are invited to contact the undersigned at the number listed below.

Respectfully submitted,
SOFER & HAROUN, L.L.P.

By /Joseph Sofer/
Joseph Sofer
Reg. No 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800
Customer Number 39600

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